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APPLICATION NO. 05/355,839	FILING DATE 11/10/97	FIRST NAMED INVENTOR STIERNEY	ATTORNEY DOCKET NO. VER0024
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PM32/0608

EXAMINER HEISEY, D	
ART UNIT 3632	PAPER NUMBER #9

DATE MAILED: 06/08/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/966,839

Applicant(s)
Sven Stierneby

Examiner
David Heisey

Group Art Unit
3632



☒ Responsive to communication(s) filed on May 18, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 3-29 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 3-18 is/are allowed.

☒ Claim(s) 19-22 is/are rejected.

☒ Claim(s) 23-29 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

This is the first Office Action for serial number 08/992,504, Support Stand for Holding Display Items, filed on December 17, 1997. The Application contains 27 claims numbered 3-29.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3-18 are rejected because the language "of the kind", which appears in claims 3 and 7, is indefinite.

Claims 19-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19 recites the limitation "the support element" in line 7.

There is insufficient antecedent basis for this limitation in the claim.

Claims 19-29 are rejected because it is unclear whether the combination of the support device and the cableway is being claimed or merely the subcombination of the support device. Claim 19 recites the

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cableway in a functional statement, indicating the subcombination is being claimed, yet the applicant recites a further structural limitation to the cableway in claim 19, indicating the combination is being claimed. For purposes of this Office action, the examiner will assume the subcombination is being claimed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent # 5,384,937 to Simon (hereinafter Simon) in view of U.S. Patent # 4,372,511 to Knowles (hereinafter Knowles). With respect to claim 1, Simon teaches a cableway 1 comprising a number of longitudinally extending thread elements 11, 21 and transversely extending thread elements 10, 20. Simon does not teach a support device. Knowles teaches a support device/element 102 in the form of a curved plate 102 which is releasably connectable with a cableway via slots 101. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have connected a support device to the cableway because one would have been

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motivated, in view of Knowles, to have provided sufficient support and guidance for optical cables branched off from the cableway.

Allowable Subject Matter

Claims 3-18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 23-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims and rewritten to conclude with the phrase “whereby said support element is adapted to cause a curve in the cable supported thereon”.

The following is a statement of reasons for the indication of allowable subject matter: Although the prior art discloses many cableway support devices, it fails to disclose a support element formed with slots and a fixing element.

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive.

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In response to Applicant's arguments that claims 19-29 are allowable, Simon in view of Knowles reads on claims 19-22. Examiner agrees that claims 23-29 are allowable, provided that they are rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims and rewritten to conclude with the phrase "whereby said support element is adapted to cause a curve in the cable supported thereon".

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

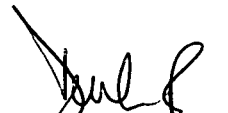
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the Examiner should be directed to David Heisey, whose telephone number is 703.306.3233. The Examiner can normally be reached on Tuesday through Friday from 8:30 A.M. to 5:00 P.M. The fax machine telephone number for the Technology Center is 703.305.3597 or 703.305.3598.

Any inquiry of a general nature or relating to the status of this Application should be directed to the Technology Center receptionist at 703.308.2168. The fax machine telephone number for Art Unit 3632 is 703.308.3519.

DH
David Heisey
Patent Examiner
Technology Center 3600
Art Unit 3632
6-4-99


DEREK J. BERGER
PATENT EXAMINER
ART UNIT 3632